

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

SEAMOUNT INTERNATIONAL	:	
ASSOCIATION LTD.,	:	
	:	
Petitioner,	:	
	:	06 Civ. 5648 (LTS)
v.	:	
	:	
KUEHNE & NAGEL, LTDA.,	:	
	:	
Respondent.	:	
	:	
- - - - -	:	x

DECLARATION OF ERNEST H. GELMAN IN OPPOSITION  
TO THE PETITION TO COMPEL ARBITRATION

ERNEST H. GELMAN hereby declares pursuant to 28  
U.S.C. § 1746 that the following is true and correct.

1. I am a member of the bar of this Court and  
the attorney for respondent Kuehne & Nagel, Ltda. in this  
action. I am making this declaration in opposition to the  
petition of Seamount International Association, Ltd. to  
compel arbitration.

The Place of Incorporation of Seamount

2. After receiving the petition of Seamount, I  
attempted to verify the statement in paragraph 1 of the  
petition that "At all material times [Seamount] was, and  
is, a business entity organized under the laws of Texas  
with an office and principal place of business in Houston."  
I visited the Internet site of the Texas Controller of

Public Accounts at the URL <http://ecpa.cpa.state.tx.us> and searched to determine whether there was a corporation with such a name existing under Texas law or authorized to do business in Texas.

3. The print out from that site annexed as Exhibit A hereto demonstrates that there is no business known to the Texas Controller of Public Accounts under the name "Seamount International Association."

4. The print out from that site annexed as Exhibit B hereto demonstrates that there is no business known to the Texas Controller of Public Accounts under the name "Seamount International."

5. I thereafter searched URL [www.scan-trans.com](http://www.scan-trans.com), which I understand is the site for the direct or indirect parent of Seamount International Association Ltd. One page from the site, a copy of which is attached as Exhibit C, states that Seamount International Association, Ltd. is a Liberian entity. Only its agent/broker appears to be in Houston.

The Claims Seamount Seeks To Arbitrate

6. Seamount has served a statement of its claim in the arbitration, a copy of which is annexed as Exhibit D.


Potential Need For An Additional Extension of Time

7. After requesting an extension of time on or about August 16, 2006, as a result of my vacation, I learned that the principal of K&N responsible for this matter would be on vacation from about August 21 to September 18, 2006.

8. Accordingly, I want to inform the Court that we may make an additional request to submit papers before the hearing in this matter, which is scheduled for September 29, 2006.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1st day of September 2006.

  
Ernest H. Gelman

AFFIDAVIT OF SERVICE OF GERVAISE MOURLET

STATE OF NEW YORK )

ss.:

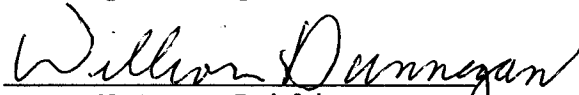
COUNTY OF NEW YORK)

GERVAISE MOURLET, being duly sworn, deposes and says that a copy of Ernest H. Gelman's Declaration in Opposition to the Petition to Compel Arbitration on September 1, 2006 on:

Nancy R. Peterson  
Tisdale & Lennon, LLC  
11 West 42<sup>nd</sup> Street, Suite 900  
New York, NY 10036

  
\_\_\_\_\_  
Gervaise Mourlet

Sworn to before me this  
1<sup>st</sup> day of September, 2006

  
\_\_\_\_\_  
Notary Public

**WILLIAM DUNNEGAN**  
Notary Public, State of New York  
No. 31-4773209  
Qualified in New York County  
Commission Expires October 31, 2006